

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civ. A. No. 6:18-cv-220
	§	
CHRISTINA LOPEZ,	§	COMPLAINT
	§	
Defendants.	§	

The United States of America brings this action to enjoin defendant from trespassing on federal property at Belton Lake in Bell County, Texas.

I. JURISDICTION AND VENUE

1. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1345.
2. This judicial district is a proper venue under 28 U.S.C. § 1391(b) because the defendant resides in the Western District of Texas, the property at issue is located here, and the trespass occurred and is ongoing within this District.

II. PARTIES

A. The United States of America

3. The United States of America is the plaintiff in this case.
4. The United States Army Corps of Engineers (“USACE”) is a federal agency that, among other things, manages water resource development projects.

B. Defendants

5. Christina Lopez (“Defendant”) is an individual residing in Bell County, Texas.
6. Defendant owns the property located at 566 Benchmark Trail, Belton, TX 76513 (“Benchmark property”).

III. FACTS

A. Belton Lake

7. Congress authorized construction of the Belton Reservoir on the Leon River in 1946 as a flood control and water conservation project.

8. Over time, the United States acquired the land and constructed the facilities that are now known as Belton Lake in Bell County, Texas.

9. Belton Lake continues to mitigate flood risks and conserve water and simultaneously preserves habitats and offers recreational opportunities to the public.

10. The USACE, Fort Worth District, manages Belton Lake.

11. Federal regulations and policy require the USACE to balance several management objectives, including flood control, protecting natural resources, providing public access to outdoor recreational opportunities, and ensuring public safety.

B. Electric Submersible Pumps

12. An electric submersible pump (“ESP”) is a motorized device that moves water from one location to another.

13. An ESP is a watertight pump designed to operate while submerged.

14. When an ESP is activated, an electric motor spins an impeller that pulls water into the pump and then pressure within the pump mechanism pushes the water into a pipe or waterline, which transports the water to another location for use or storage.

15. Landowners adjacent to Belton Lake have historically used ESPs to draw water from the Lake to their properties for domestic uses, such as lawn irrigation.

16. The USACE determined that ESPs in use at Belton Lake were not rated for open water environments and created safety hazards.

17. ESPs have exposed electric power lines that are vulnerable to damage in open water from boats, propellers, fishing gear, human contact, and wear-and-tear resulting from fluctuating water levels.

18. The power lines subject lake-goers, including swimmers, waders, anglers, and boaters, to a risk of shock, electrocution, and drowning.

19. On February 26, 2009, the USACE imposed a moratorium on the installation and use of ESPs in the Fort Worth District. *See* Attachment #1.

20. The moratorium halted the approval and renewal of permits for residential waterlines that utilized ESPs while the USACE reviewed information related to the use of such devices in open water settings.

21. The moratorium applied to all lakes in the Fort Worth District, including Belton.

22. On January 20, 2010, the USACE banned the use of ESPs in the Fort Worth District. *See* Attachment #2.

23. The ban specifically prohibited the use of ESPs for domestic purposes and required landowners to remove their pumps and electrical components from federal property.

24. The ban applied to all lakes in the Fort Worth District, including Belton.

25. On May 18, 2010, the USACE revised its ESP policy. *See* Attachment #3.

26. The revised policy maintained the ban on the use of ESPs at all lakes in the Fort Worth District, including Belton.

27. In June 2010, the USACE began contacting hundreds of property owners that held permits to draw water from Belton Lake about the new ESP policy.

28. On July 15, 2010, the USACE held a public meeting in Waco, Texas to discuss the new policy with landowners utilizing ESPs at Belton Lake.

29. The USACE invited ESP permit holders to a group meeting with their Congressman on October 20, 2010, to address the new policy and alternative methods of withdrawing water from Belton Lake.

30. In addition to Belton Lake, the USACE's Tulsa and Little Rock Districts also banned the use of ESPs at their lakes for public safety reasons.

C. Trespass

31. Defendant acquired the Benchmark property on or about September 24, 2010.

32. The Benchmark property is adjacent to Belton Lake.

33. Defendant uses an ESP and waterline to draw water from Belton Lake to the Benchmark property.

34. Defendant's pump system runs across federal land and into Belton Lake.

35. Defendant does not have a permit to operate an ESP or locate pump equipment on federal property.

36. On September 20, 2016, the USACE directed Defendant to disconnect and remove her unauthorized ESP or replace it with an approved pump mechanism within 30 days. *See Attachment #4.*

37. Defendant failed to claim the USACE's September 20th letter, did not respond to the agency, and did not remove her ESP.

38. By letter dated December 5, 2016, the USACE reminded Defendant that she was obliged to disconnect and remove her unauthorized ESP and directed her to schedule a compliance inspection immediately. *See Attachment #5.*

39. The USACE hand delivered the December 5th letter to Defendant's address, and left the letter with an occupant of the Benchmark property.

40. Defendant did not respond or remove her ESP.

41. On June 14, 2017, the USACE inspected the shoreline below the Benchmark property and verified that Defendant's unauthorized ESP and waterline remained in place.

42. On February 8, 2018, the USACE conducted another shoreline inspection, which confirmed that Defendant's unauthorized ESP and waterline remained on federal property and appeared to be functioning.

43. The USACE attempted to contact Defendant on multiple occasions, to no avail.

44. On May 31, 2018, for example, USACE staff went to the Benchmark property and heard activity within the residence, but no one would answer the door when they knocked or rang the bell.

45. The USACE staff members left information for Defendant and visually verified that her waterline remains connected and runs into Belton Lake.

46. The USACE has worked with over 100 landowners to address the removal of their ESPs and the replacement of their non-compliant devices with authorized pump systems.

47. Defendant refuses to cooperate and continues to disregard the USACE's direction to remove her ESP from Belton Lake.

COUNT ONE

Trespass

48. The United States incorporates the preceding paragraphs.

49. The United States owns Belton Lake in fee simple.

50. Defendant does not have a permit to operate a pump system or waterline at Belton Lake.

51. Defendant entered and encroached on the United States' property by maintaining, operating, and refusing to remove her ESP and waterline.

52. The USACE notified Defendant that her operation of an ESP was prohibited and directed her to remove her pump and electrical components from federal property.

53. Defendant refused to disable and remove her pump equipment from federal property.

54. Defendant's encroachment is physical, intentional, and voluntary.

55. Defendant's encroachment infringes the United States' right of possession of Belton Lake.

56. Defendant's encroachment is ongoing and constitutes a continuing trespass.

57. The United States has sustained and will continue to sustain injuries as a result of Defendant's encroachment.

COUNT TWO

Unauthorized Structures 36 C.F.R. § 327.20

58. The United States incorporates the preceding paragraphs.

59. Federal law prohibits unauthorized structures on government property:

The construction, placement, or existence of any structure (including, but not limited to, roads, trails, signs, non-portable hunting stands or blinds, buoys, docks, or landscape features) of any kind under, upon, in or over the project lands, or waters is prohibited unless a permit, lease, license or other appropriate written authorization has been issued by the District Commander. The design, construction, placement, existence or use of structures in violation of the terms of the permit, lease, license, or other written authorization is prohibited. . . Unauthorized structures are subject to summary removal or impoundment by the District Commander.

36 C.F.R. § 327.20.

60. The United States owns Belton Lake in fee simple.
61. The USACE manages the Lake as a flood control and water conservation project.
62. Defendant placed unauthorized structures on the United States' property by maintaining, operating, and refusing to remove her ESP and waterline.
63. Defendant does not have a permit, lease, license, or other written authorization from the USACE to operate a pump system and waterline at Belton Lake.
64. The USACE notified Defendant that her operation of an ESP was prohibited and directed her to remove her pump and electrical components from federal property.
65. Defendant refused to disable and remove her pump equipment from federal property.
66. Defendant's ESP and waterline constitute unauthorized structures on USACE project land and water in violation of 36 C.F.R. § 327.20 and are subject to summary removal and impoundment by the USACE.

COUNT THREE

Interference with Government Employees 36 C.F.R. § 331.16

67. The United States incorporates the preceding paragraphs.
68. Federal law prohibits interference with USACE employees:
- Interference with any Government employee in the conduct of his or her official duties pertaining to the administration of these regulations is prohibited. It is a violation to fail to comply with a lawful order directed by any Government employee . . . in the performance of his or her official duties pertaining to the administration of these regulations
- 36 C.F.R. § 331.16.

69. The USACE issued a lawful order to Defendant to disable and remove her ESP and electrical components from federal property.

70. Defendant failed to comply with the USACE's order by maintaining, operating, and refusing to remove her ESP and waterline.

71. Defendant's conduct interferes with the USACE's ability to manage Lake Belton's water and shoreline resources, provide outdoor recreational opportunities to the public, and ensure public safety in violation of 36 C.F.R. § 331.16.

PRAYER FOR RELIEF

WHEREFORE, the United States requests judgment in its favor and against defendants as follows:

72. A permanent injunction enjoining Defendant from trespassing, maintaining unauthorized structures, and/or interfering with the USACE in the performance of its official duties at Belton Lake;

73. An order compelling Defendant to disable her ESP and remove her pump, waterline, and all electrical components from federal property, and to submit sworn proof of compliance to the Court within 10 days.

74. An order (a) authorizing the USACE to enter Defendant's property if Defendant fails to provide sworn proof of compliance within 10 days to inspect Defendant's pump system and, if necessary, to disconnect Defendant's ESP from its power source and remove it from federal property along with her waterline and electrical components; (b) enjoining Defendant from interfering with the USACE's ability to conduct the inspection, disconnection, and removal; and (c) imposing the costs of the inspection, disconnection, and removal on Defendant.

75. Judgment holding Defendant liable for damages and the costs of restoring Belton Lake to its original condition prior to her trespass and violation of federal law.
76. Costs of suit, attorney's fees, and pre- and post-judgment interest.
77. Any other legal or equitable relief the Court deems appropriate.

Respectfully submitted,

JOHN F. BASH
United States Attorney

By: */s/ John J. LoCurto*

JOHN J. LoCURTO
Assistant United States Attorney
Texas Bar No. 24073750
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216
Tel: (210) 384-7362
Fax: (210) 384-7322
Email: john.locurto@usdoj.gov

Attorneys for the United States of America


CESWF-OD-TN

26 February 2009
Mobley/av/1565

MEMORANDUM FOR O&M DISTRIBUTION #2
Number (POL-09-02) INDEFINITE

SUBJECT: Moratorium on Submersible Pumps in Fort Worth District Civil Project Reservoirs

1. A moratorium on the installation and use of submersible pumps is issued, effective immediately, in reference to the permitting of new waterlines as well as the renewal of existing waterlines utilizing submersible pumps.
2. The Fort Worth District is collecting data from other districts, as well as technical information from common submersible pump manufacturers and their applicability in open water environments, to determine if revisions in current policy are warranted.
3. The Tulsa District is developing a policy that would ban the use of submersible pumps citing public safety concerns. Southwestern Division is also involved, wanting each district to consider a similar policy or possibly issue SWD-wide action.
4. All permitting activities in reference to new waterline applications, or the renewal of existing waterline permits utilizing submersible pumps, should cease until a policy determination is made and guidance is issued.


CHARLES L. FURGER
Chief, Operations Division

CF:
CESWF-RE

CESWF-OD-TN

20 January 2010
Webb/av/1576

MEMORANDUM FOR DISTRIBUTION #2
Number (POL-10-01)

SUBJECT: Fort Worth District Domestic Use of Submersible Pump Policy

1. References:

- a. Memorandum, O&M (POL-09-02), CESWF-OD, 26 Feb 09, subject: Moratorium on Submersible Pumps in Fort Worth District Civil Project Reservoirs.
- b. Decision Paper, CESWF- OD, OC and RE, 21 Sep 09, subject: Submersible Pumps in Fort Worth District Civil Project Reservoirs (enclosed).
- c. Disposition Form 405-80, Number 89-31, CESWF-OD-M, 15 Dec 88, subject: Waterline, Stairway, Trolley and Elevator Licenses.
- d. UL 778, Underwriters Laboratory, 1 Feb 09, subject: Standard for Motor-Operated Water Pumps.

2. This policy applies to all Fort Worth District Civil Works Reservoirs. All previous issued guidance concerning the domestic use of submersible pumps is superseded by this guidance.

3. The use of submersible pumps for the purpose of withdrawing water for individual domestic uses at Fort Worth District Civil Works Reservoirs is prohibited.

4. As of the date of the moratorium set forth in reference 1.a., no new real estate permits/licenses for use of submersible pumps located on Federal property will be issued. New applications and design plans for waterline permits to withdraw lake water must show that all pumps and electrical components are located off of Federal property and above the upper guide contour. Applications proposing the use of submersible pumps or electrical components located on Federal property will be denied.

5. Existing waterline permittees currently utilizing submersible pumps will be notified by Real Estate Division that the use of submersible pumps is prohibited and to remove the submersible pump along with all electrical components from Federal property upon expiration of their existing permit/license. Current waterline permits/licenses may be renewed before expiration if requested and compliance with the new policy is verified by the lake manager. Compliance will be assessed by the lake manager before any waterline permits/licenses are renewed.


-2-

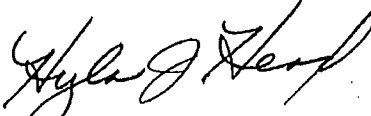
CESWF-OD

SUBJECT: Fort Worth District Submersible Pump Policy

6. Provided that a proposed or existing installation complies with this policy, the following additional requirements must still be met prior to receiving a permit or license from the Corps:
- a. Approval from the appropriate water management agency.
 - b. Waiver from local public water supply entity, if applicable.
 - c. Compliance with any environmental and/or operational requirements considered necessary by the site manager (refer to reference 1.c. for a list of items to be considered).

Encl


CHARLES L. BURGER
Chief, Operations Division


HYLA J. HEAD
Chief, Real Estate Division

CF w/encl:
CESWF-RE

CESWF-OD-TN

18 May 2010
Webb/js/1576

MEMORANDUM FOR DISTRIBUTION #2
Number (POL-10-07)

SUBJECT: Revised - Fort Worth District Domestic Use of Submersible Pump Policy

1. References:

- a. Memorandum, O&M (POL-10-01), CESWF-OD, 20 Jan 10, subject: Fort Worth District Domestic Use of Submersible Pump Policy.
- b. Memorandum, O&M (POL-09-02), CESWF-OD, 26 Feb 09, subject: Moratorium on Submersible Pumps in Fort Worth District Civil Project Reservoirs.
- c. Decision Paper, CESWF- OD, OC and RE, 21 Sep 09, subject: Submersible Pumps in Fort Worth District Civil Project Reservoirs.
- d. Disposition Form 405-80, Number 89-31, CESWF-OD-M, 15 Dec 88, subject: Waterline, Stairway, Trolley and Elevator Licenses.
- e. UL 778, Underwriters Laboratory, 1 Feb 09, subject: Standard for Motor-Operated Water Pumps.

2. The purpose of this policy is to revise the existing policy regarding the use of submersible pumps for domestic use in the Fort Worth District as set forth in reference 1.a. This revised policy applies to all Fort Worth District Civil Works Reservoirs. All previous issued guidance concerning the domestic use of submersible pumps is superseded by this guidance.

3. The use of submersible pumps for the purpose of withdrawing water for individual domestic uses at Fort Worth District Civil Works Reservoirs is prohibited.

4. As of the date of the moratorium set forth in reference 1.b., no new real estate permits/licenses for use of submersible pumps located on Federal property will be issued. New applications and design plans for waterline permits to withdraw lake water must show that all pumps and electrical components are located off of Federal property. Applications proposing the use of submersible pumps or electrical components located on Federal property will be denied.

5. Existing waterline permittees currently utilizing submersible pumps will be notified by Real Estate Division that the use of submersible pumps is prohibited and to immediately remove the submersible pump along with all electrical components from Federal property. Current waterline permits/licenses may be renewed once compliance with the new policy is verified by the Lake Manager. Compliance will be assessed by the Lake Manager before any waterline permits/licenses are renewed.

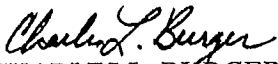
CESWF-OD

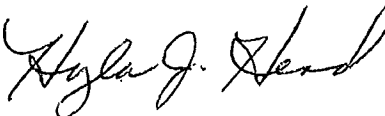
SUBJECT: Revised - Fort Worth District Domestic Use of Submersible Pump Policy

6. Provided that a proposed or existing installation complies with this policy, the following additional requirements must still be met prior to receiving a permit or license from the Corps:

- a. Approval from the appropriate water management agency.
- b. Waiver from local public water supply entity, if applicable.
- c. Compliance with any environmental and/or operational requirements considered necessary by the site manager (reference 1.d. for a list of items to be considered).

Encl


CHARLES L. BURGER
Chief, Operations Division


HYLA J. HEAD
Chief, Real Estate Division

CF w/encl:
CESWF-RE



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
Belton & Stillhouse Hollow Lake Office
3740 FM 1670, Belton, Tx 76513

REPLY TO
ATTENTION OF:

20 September, 2016

Belton Lake Project Office

Christina Lopez
566 Benchmark Trail
Belton, TX 76513

Dear Sir or Madam Pump Owner:

You are receiving this letter because you have been identified as a current or prior owner/operator of a water line, electric line, and/or non-Underwriters Laboratories (UL) approved electric submersible pump on Federal property at Belton Lake. Current U.S. Army Corps of Engineers (USACE) policy prohibits the use of non-UL approved electric submersible pumps to withdraw water for individual use in marine environments where swimmers may be present.

The safety of Lake Belton's residents and visitors is the top concern of the USACE. Understanding the cost and inconvenience of upgrading or replacing pumps, we have worked with Rep. John Carter and community leaders following initial USACE concerns about pumps in 2010 to grant lake residents a multi-year window to address outstanding pump safety issues. While many residents resolved these matters within that extended time frame, many unsafe pumps remain and further action is necessary.

If you are utilizing a non-UL approved electric submersible pump you are hereby required to cut the power to the pump by physically removing any breakers and permanently locking out any energy to the system within 24 hours of receipt of this letter. Pump owners must replace their existing pump system with an approved alternative or completely remove the existing system within 30 days of receipt of this letter. The Belton Lake staff is glad to offer assistance or suggestions of acceptable alternatives.

If you intend to continue to utilize a water line on Federal Property, please adhere to the following instructions:

1. Remove all non-UL approved electric submersible pumps and associated electrical components from Federal property within 30 days of receiving this notice
2. Obtain a permit from the Brazos River Authority which is required to legally withdraw waters of the State of Texas from Lake Belton, and provide proof of the permit to the USACE.
3. Submit a written request to the Belton Lake Office address shown in the letterhead with a map showing the location of the new proposed pump, water line, and all electrical equipment in relation to the flowage easement line and Government property line. This is required to obtain an easement from the USACE to legally cross Federal property with the pumping apparatus. The application information for this process is located on the Lake Belton website at <http://www.swf-wc.usace.army.mil> in the Real Estate/Adjacent Landowners section.

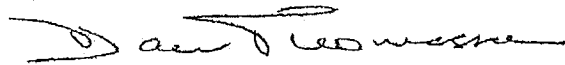
A compliance inspection will be performed to ensure the new policy guidelines are followed and to verify that the removal of non-approved pumps and lines have been removed from Federal property. To notify the Lake Office of the current status of your non-UL approved electric submersible pump or to schedule a compliance inspection, please contact:

Bradley Ellis, Lead Park Ranger
Or James Chambers, Community Resource Coordinator
Office Number: (254) 939-2461
E-Mail: Bradley.D.Ellis@usace.army.mil or James.D.Chambers@usace.army

Please understand that some delay may be experienced due to the number of customers that will need to convert to an acceptable pumping system. All requests will be answered in the order in which they are received.

While it is the desire of the USACE to work with each and every pump owner one on one to resolve this issue in the best possible way, we understand that replacing or removing existing pumps may be an inconvenience. However, the immediate shutdown/replacement of non-UL approved electric submersible pumps is of the utmost importance due to their classification as a public safety hazard. We look forward to working with you to ensure Lake Belton remains safe for residents and visitors.

Sincerely,



Daniel E. Thomasson
Operations Project Manager
Capital Region Office

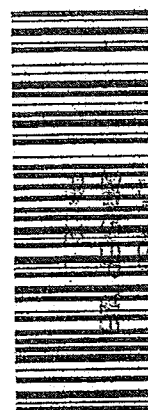


DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT CORPS OF ENGINEERS

CAPITAL REGIONAL OFFICE

3110 FM 2271

BELTON, TEXAS 76513



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Christina Lopez

566 Benchmark Trail

Belton, TX 76513

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Christina Lopez
566 Benchmark Trail
Belton, TX 56513



9590 9402 1742 6074 9682 88

2. Article Number (Transfer from service label)

7016 1370 0001 5454 5832

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY**A. Signature**☒ X
☐ Agent
☐ Addressee
B. Received by (Printed Name)**C. Date of Delivery**

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes
☒ No
3. Service Type

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| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
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| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail (over \$500) | |
| <input type="checkbox"/> Insured Mail Restricted Delivery | |

Domestic Return Receipt

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only**

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Postage \$ 14.65

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 3.40

☐ Return Receipt (electronic)

☐ Certified Mail Restricted Delivery

☐ Adult Signature Required

☐ Adult Signature Restricted Delivery

Certified Mail Fee \$ 3.30

Total Postage \$ 17.95

Sent To Christina Lopez

Street and Ap 566 Benchmark Trail

City, State, Zi Belton, TX 56513

PS Form 3811, July 2015 PSN 7530-02-000-9053



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
Belton & Stillhouse Hollow Lake Office
3740 FM 1670, Belton, Tx 76513

5 December 2016

Belton Lake Office

Ms. Christina Lopez
566 Benchmark Trl
Belton, TX 76513

Dear Ms. Christina Lopez,

Our records indicate that you received written notice that your electric submersible pump was required to be de-energized immediately and completely removed from Government property.

Please contact James Chambers or Mark Knobloch at 254-939-6488 immediately to schedule a compliance inspection. You may also email Mr. Chambers or Mr. Knobloch at James.D.Chambers@usace.army.mil or Mark.R.Knobloch@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald Bruggman", is positioned above the typed name.

Ronald Bruggman
Lake Manager
Belton/Stillhouse Hollow Lakes

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.